

STATE OF LOUISIANA * PARISH OF OUACHITA * FOURTH DISTRICT COURT

JOHNNIE DENICE HODGE STREET
and CURTIS DANIEL STREET

VERSUS NO. _____

WALMART INC., AND
JANE ROE

FILED:

Ouachita Parish
Filed Sep 08, 2022 12:01 PM
Brittnie Cervantes
Deputy Clerk of Court

C-20223242
CV3

DEPUTY CLERK OF COURT

PETITION

The Petition of **JOHNNIE DENICE HODGE STREET** and **CURTIS DANIEL STREET**, husband and wife and major residents of Ouachita Parish, Louisiana, respectfully represents:

1.

Made Defendants herein are:

1. **WALMART INC.**, a foreign corporation authorized to and actually doing business in the state of Louisiana ; and
2. **JANE ROE**, upon information and belief, a major resident of the State of Louisiana;

which Defendants are legally liable unto Plaintiffs, *in solido*, for the following reasons:

2.

Defendant **WALMART INC.**, owns and operates a self-service general merchandise store under the name of "Walmart Neighborhood Market" store number 2940 located at 5251 Cypress Street in the City of West Monroe, Ouachita Parish, Louisiana.

3.

At all times pertinent herein, Defendant **JANE ROE** was an employee of Defendant **WALMART INC.**, working at the "Walmart Neighborhood Market" referenced above.

4.

On or about September 18, 2021, Plaintiff **JOHNNIE DENICE HODGE STREET** went to Defendant's "Walmart Neighborhood Market" store to shop for some items. As she shopped, Plaintiff squatted down near the end of one of the aisles

of merchandise to pick up an item from the bottom shelf of one of the displays.

5.

While Plaintiff was squatting down to get the item from the bottom shelf, Defendant's employee **JANE ROE** was pushing a pallet jack or cart loaded approximately six feet high with merchandise. Plaintiff shows **JANE ROE**, while pushing the pallet jack or cart stacked with merchandise, rounded the corner of the aisle where Plaintiff was shopping and rammed into Plaintiff knocking her forcefully to the floor resulting in severe injuries to be described hereinafter.

6.

Plaintiffs show the cause of the above described accident and all resulting injuries and damages was the fault and negligence of Defendant's employee **JANE ROE** in the following specific particulars:

- A. Pushing the pallet jack or cart when her view was blocked by the merchandise on the cart;
- B. Failing to keep a proper look out;
- C. Failing to see what she should have seen;
- D. Pushing the pallet jack or cart instead of pulling it, when pulling it would have allowed her to see where she was going;
- E. Failing to make sure the aisle was clear of shoppers before she made her turn;
- F. Failing to see Plaintiff shopping in the aisle;
- G. Pushing the loaded cart at an excessive speed or at a speed in excess of what was prudent under the circumstances;
- H. Striking Plaintiff with the cart load of merchandise;
- I. Failing to exercise reasonable care;
- J. Failing to provide advance warning to patrons, including Plaintiff, in the path of the load of merchandise;
- K. Loading the pallet jack or cart so high with merchandise as to obstruct the view of the path ahead of the pallet jack or cart;
- L. Failing to use an additional employee, known as a "spotter," to accompany the pallet jack or cart to maintain a lookout of the path ahead of the jack or cart and to warn the person pushing the jack/cart of patrons or obstructions and to warn patrons.

7.

Plaintiffs show at the time of the accident sued upon herein, Defendant JANE ROE was employed by Defendant WALMART, INC., and that Defendant JANE ROE acted in the course and scope of her employment with Defendant WALMART INC., thereby rendering WALMART INC., liable unto Plaintiffs for the negligence of its employee under the doctrine of *respondeat superior*.

8.

Plaintiffs show they do not know the identity of Defendant's employee who caused this accident. Plaintiffs, therefore, identify this person as JANE ROE herein. This is necessary, because Defendant WALMART INC., refuses to identify its employee that caused this accident.

9.

Plaintiffs show Defendant WALMART INC., affirmatively concealed the identity of the employee, named Defendant herein as JANE ROE, from Plaintiffs in an effort to prevent its employee from being named a Defendant in these proceedings by, *inter alia*, refusing to produce an incident report pertaining to the accident, despite Plaintiffs' clear entitlement thereto under Louisiana law and despite proper requests for such documentation by Plaintiffs.

10.

Plaintiffs further show a cause of the accident sued upon herein and all resulting injuries and damages was the independent fault and negligence of Defendant WALMART INC., in the following specific particulars:

- A. Failing to properly train and instruct its employee in the use of pallet jacks and/or carts;
- B. Failing to properly supervise its employee while using the pallet jack or cart;
- C. Allowing its employee to overload the jack/cart;
- D. Failing to ensure a spotter was used.

11.

As a result of the accident, Plaintiff JOHNNIE DENICE HODGE STREET suffered severe and permanently disabling injuries, including injuries to her spine

resulting in severe pain in the neck and back radiating into her upper and lower extremities. Plaintiff shows the spine injuries she sustained in this accident include ruptured discs in her neck and back, along with the aggravation of pre-existing conditions of the spine. In addition, Plaintiff shows she had bruises and contusions due to the accident and suffers from severe headaches. Plaintiff further shows the severe pain she is in from this accident, together with the pain medication she must take to cope with the pain, caused the platelets in her blood to increase sufficiently to trigger strokes on January 17, 2022 and September 2, 2022 resulting in extensive medical treatment and from which she is still recuperating. Plaintiff shows the strokes delayed her other treatment. These strokes caused a loss of short term memory, decreased ability to grasp and hold things and provoked a seizure type activity and caused a loss of vision all of which caused her to be unable to drive and function normally. Plaintiff further shows the conditions of her neck and back brought about by this accident require surgical intervention and will require extensive rehabilitation. Accordingly, Plaintiff is entitled to recover all such damages as are reasonable in the premises for the following:

Past, present and future pain, suffering, disability, mental anguish, embarrassment, inconvenience and loss of enjoyment of life.

12.

As a result of the injuries sustained in the accident, Plaintiff **JOHNNIE DENICE HODGE STREET** is unable to participate in normal activities, requires extensive bed rest and will continue to do so, such that she has been disabled from her employment and is unable to participate in her normal activities due to disability and pain.

13.

Plaintiff **JOHNNIE DENICE HODGE STREET** incurred substantial medical expenses for the treatment of her injuries which she is entitled to recover from Defendants. Plaintiff shows she will continue to incur medical expenses for the treatment of the injuries sustained in this accident in the future, all of which she is, or will be, entitled to recover from Defendants.

14.

Plaintiff **JOHNNIE DENICE HODGE STREET** shows as a result of the injuries sustained in the accident sued upon herein she was unable to work for an extended period of time resulting in lost wages which she is entitled to recover from Defendants. Plaintiff shows she will be unable to work in the future as well, entitling her to recover future lost wages from Defendants. Plaintiff further shows as a result of the permanent and debilitating injuries sustained in this accident, she suffered a diminution of her earning capacity for which she is entitled to recover all such damages as are reasonable in the premises from Defendants.

15.

Plaintiff **CURTIS DANIEL STREET** shows that he is the husband of Plaintiff **JOHNNIE DENICE HODGE STREET** and that he suffered a loss of consortium and society with his spouse due to the severe injuries she suffered in this accident. Plaintiff shows he has had to do things for her that she would ordinarily do for herself and their lives together have been adversely impacted by her injuries such that they can no longer participate in many of the normal activities they enjoyed before this accident. Furthermore, their sexual relationship has been adversely impacted because of her pain. Plaintiff **CURTIS DANIEL STREET** is therefore entitled to recover all such damages as are reasonable in the premises for this loss of consortium, service, and society.

WHEREFORE, PLAINTIFFS PRAY that Defendants be duly served and cited with a copy of this Petition and required to appear and answer same, and after lapse of all legal days, and after due proceedings had, there be judgment herein in favor of Plaintiffs **JOHNNIE DENICE HODGE STREET** and **CURTIS DANIEL STREET** and against Defendants **WALMART INC.** and **JANE ROE**, *in solido*, for all such damages as are reasonable in the premises, together with legal interest thereon from date of judicial demand, until paid, and for all costs of these proceedings.

FURTHER PRAY that Defendant be required to answer the attached Interrogatories and respond to the attached Request for Production in the time required by law.

RESPECTFULLY SUBMITTED:

LAW OFFICES OF
STREET & STREET
ATTORNEYS FOR PLAINTIFFS
508 NORTH 31ST STREET
MONROE, LOUISIANA 71201
TELEPHONE: (318) 325-4418
FAX: (318) 322-7656
EMAIL: drandolphstreet@yahoo.com

BY: 

D. RANDOLPH STREET
BAR NO. 24656

PLEASE SERVE DEFENDANT:

WALMART INC.
through its agent for the service of process
C.T. Corporation System
3867 Plaza Tower Drive
Baton Rouge, Louisiana 70816



OPC.CV.7234909

CITATION

JOHNNIE DENICE HODGE STREET
AND CURTIS DANIEL STREET
VS

WALMART INC AND JANE ROE

DOCKET NUMBER: C-20223242
SEC: CV3
STATE OF LOUISIANA
PARISH OF OUACHITA
FOURTH JUDICIAL DISTRICT
COURT

EAST BATON ROUGE PARISH

TO:

WALMART INC
THROUGH ITS AGENT FOR THE SERVICE OF PROCESS
C.T. CORPORATION SYSTEM
3867 PLAZA TOWER DR.
BATON ROUGE, LA 70816

YOU HAVE BEEN SUED.

Attached to this Citation is a certified copy of the Petition. The petition tells you what you are being sued for.

You must EITHER do what the petition asks, OR, within **TWENTY-ONE (21) days** after you have received these documents, you must file an answer or other legal pleadings in the Office of the Clerk of this Court at the Ouachita Parish Court House, 301 South Grand, Monroe, Louisiana.

If you do not do what the petition asks, or if you do not file an answer or legal pleading within **TWENTY-ONE (21) days**, a judgment may be entered against you without further notice.

This Citation was issued by the Clerk of Court for Ouachita Parish, on this SEPTEMBER 9, 2022.

OUACHITA PARISH CLERK OF COURT

Also attached are the following:

PETITION/INTERROGATORIES PROPOUNDED TO DEFENDANT



DEPUTY CLERK OF COURT

FILED BY: D. RANDOLPH STREET # 24666

TRUE COPY



OPC.CV.7234917

**NOTICE - INTERROGATORIES PROPOUNDED TO
DEFENDANT/REQUEST FOR PRODUCTION**

**JOHNNIE DENICE HODGE STREET,
CURTIS DANIEL STREET**

VS

WALMART INC, JANE ROE

DOCKET NUMBER: C-20223242

SEC: CV3

STATE OF LOUISIANA

PARISH OF OUACHITA

FOURTH JUDICIAL DISTRICT COURT

EAST BATON ROUGE PARISH

TO: WALMART INC
THROUGH ITS AGENT FOR THE SERVICE OF PROCESS
C.T. CORPORATION SYSTEM
3867 PLAZA TOWER DR.
BATON ROUGE, LA 70816

YOU ARE HEREBY NOTIFIED by this Honorable Court that
INTERROGATORIES PROPOUNDED TO DEFENDANT/REQUEST FOR
PRODUCTION were filed on SEPTEMBER 8, 2022 in the office of the Clerk of Court,
Ouachita Parish, Louisiana, a certified copy of which is attached hereto and made a part
hereof.

YOU ARE HEREBY REQUESTED AND REQUIRED to
ANSWER WITHIN THE TIME ALLOWED BY LAW

NOTICE issued by the Clerk of Court for Ouachita Parish, Louisiana, this SEPTEMBER
9, 2022.

OUACHITA PARISH CLERK OF COURT



Deputy Clerk

REQUESTED BY: D. RANDOLPH STREET # 24666

TRUE COPY



Service of Process Transmittal Summary

TO: KIM LUNDY- EMAIL
Walmart Inc.
GLOBAL GOVERNANCE/CENTRAL INTAKE, 2914 SE I STREET MS#0200
BENTONVILLE, AR 72712-3148

RE: Process Served in Louisiana

FOR: WALMART INC. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: STREET JOHNNIE DENICE HODGE and CURTIS DANIEL STREET // To: WALMART INC.
Name discrepancy noted.

DOCUMENT(S) SERVED: Citation, Notice(s), Attachment(s), Petition, Interrogatories, Request(s)

COURT/AGENCY: 4th Judicial District Court, Parish of Ouachita, LA
Case # C20223242

NATURE OF ACTION: Personal Injury - Slip/Trip and Fall - 09/18/2021, Walmart Neighborhood Market store
No. 2940 located at 5251 Cypress Street, West Monroe, Ouachita Parish, LA

PROCESS SERVED ON: C T Corporation System, Baton Rouge, LA

DATE/METHOD OF SERVICE: By Process Server on 09/19/2022 at 08:55

JURISDICTION SERVED: Louisiana

APPEARANCE OR ANSWER DUE: Within 21 days after receipt (Document(s) may contain additional answer dates)

ATTORNEY(S)/SENDER(S): D. Randolph Street
Law Offices of Street & Street
508 North 31st Street
Monroe, LA 71201
318-325-4418

ACTION ITEMS: CT has retained the current log, Retain Date: 09/19/2022, Expected Purge Date:
09/29/2022
Image SOP

REGISTERED AGENT CONTACT: C T Corporation System
3867 Plaza Tower Dr.
Baton Rouge, LA 70816
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT



CT Corporation
Service of Process Notification

09/19/2022

CT Log Number 542333490

disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.